

Attorney Docket No. 5052D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Inventor(s): Dumas et al.

Application No.: 10/720,702

Filed: 11/24/2003

Title: Substituted Pyridines and Pyridazines with Angiogenesis Inhibiting Activity

**RECEIVED
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FEB 25 2008**

Group Art Unit: 1621

Examiner: O'Sullivan, Peter

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date: 25 February 2008Signature: William F. GrayWilliam F. Gray

Typed or printed name of person signing certificate

**Petition for Revival of an Application for Patent Abandoned Unintentionally
Under 37 CFR 1.137(b)**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

02/26/2008 EHAILE1 00000026 133372 10720702

01 FC:1453 1540.00 DA

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Attorney Docket No. 5052DI

1. Petition fee

- Other than small entity- fee \$1540.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of a response to a requirement for restriction and election of a species

has been filed previously on _____
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____

has been paid previously on _____
 is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

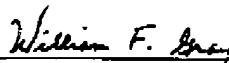
Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37CFR 1.20(d)) of \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

4. STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,



William F. Gray
Reg. No. 31018

Address: Bayer HealthCare LLC
400 Morgan Lane
West Haven, CT 06516-4175
Phone: (203) 812-2712
Date: 25 February 2008

Enclosures: Fee Payment: Please charge Account No. 13-3372 in the amount of \$1540.00. The Commissioner is also authorized to charge any fees that may have been overlooked but that are required to Deposit Account 13-3372. Additionally, please credit any overpayment to the same account. (Enclose an extra copy of this form.)
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: _____

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In the United States Patent and Trademark Office

Appl. No.: 10/720,702 Confirmation No. 5379
Applicant(s): Dumas et al.
Filed: 11/24/2003
TC/A.U.: 1621
Examiner: O'Sullivan, Peter

Docket No.: 5052D1
Customer No.: 35969

CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Date: 25 February 2008

William F. Gray
William F. Gray

EXPLANATION FOR UNINTENTIONAL ABANDONMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

The above-identified patent application became abandoned unintentionally through a docketing error.

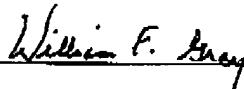
The Office action mailed 07/26/2007 established a shortened statutory period for reply of 1 month or 30 days, whichever was longer, from the mailing date of the communication. This

can be seen on the copy of the second page of the Office action, which accompanies this communication.

The docketing person for our department docketed the response date as 9/26/2007, with possible extensions of time for responding until 2/26/2008. This can be seen on the copy of the first page of the Office action which accompanies this communication. This was an error, as the response date should have been docketed as 8/26/2007, with possible extensions of time for responding until 1/26/2008.

The undersigned relied upon the docketed dates for responding, believed that the final date for responding was 2/26/2008, and did not notice the error in the docketed response dates until 24 February 2008 when he picked up the case file to prepare the response.

Respectfully submitted,



Reg. No. 31018
Phone: (203) 812-2712
Date: 25 February 2008

William F. Gray
Bayer HealthCare LLC
400 Morgan Lane
West Haven, CT 06516-4175



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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AUG 01 2007

CAROL G. BRUNN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,702	11/24/2003	Jacques P. Dumas	3052D1	5379
35969	7590	07/26/2007	EXAMINER	
JEFFREY M. GREENMAN			O SULLIVAN, PETER G	
BAYER PHARMACEUTICALS CORPORATION			ART UNIT	
400 MORGAN LANE			PAPER NUMBER	
WEST HAVEN, CT 06516			1621	
			MAIL DATE	DELIVERY MODE
			07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED	
RESPONSE DATE	9/26/2007
ACTION REQUIRED: <u>Restriction</u>	
<u>Requirement</u>	
MEMO: <u>Extendible to 1/26/2007</u>	

11/26/2007, 12/26/2007,
 1/26/2008 & 2/26/2008

Office Action Summary

	Application No.	Applicant(s)
	10/720,702	DUMAS ET AL
Examiner	Art Unit	
Peter G. O'Sullivan	1621	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some.* c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____
- 5) Notice of Informal Patent Application
- 6) Other: _____